



WEB COPY



HCP.No.2103 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS. JUSTICE N.MALA

H.C.P.No.2103 of 2024

P.Sowndharya

... Petitioner/Wife of
the Detenue

Vs.

1. The State of Tamil Nadu,
By its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector &
the District Magistrate,
Mayiladuthurai District.
3. The Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.
4. The Inspector of Police,
Perambur Police Station,
Kuthalam Taluk,
Mayiladuthurai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the proceedings of the 2nd respondent herein in C.O.C.No.33 of 2024 dated 31.07.2024 and quash the same and produce the detenue Thiru. Nedumaran S/o. Chakkarabani aged about 36 years, TPDA No.8402 now detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.R.Shiva Kumar
for M/s. K.M.Vijayan Associates

For Respondents : Mr. E. Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The preventive detention order passed by the second respondent dated 31.07.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. The learned Counsel appearing on behalf of the petitioner would submit that final Report was dispatched by the investigating Officer on 12.08.2021. However, the Report would indicate that the detenu was



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charged under the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023. The said discrepancy was not taken into consideration while passing the detention order by the Detaining Authority. The said discrepancy would result in forming an opinion that the Authorities have not applied their mind for the purpose of detaining the detenu under Act 14 of 1982.

4. For the aforesaid reason, the detention order passed by the second respondent in proceedings C.O.C.No.33 of 2024 dated 31.07.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Nedumaran S/o. Chakkarabani aged about 36 years, TPDA No.8402 confined at Central Prison, Tiruchirappalli is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.] [N.M., J.]
19.09.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda



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To

1. The State of Tamil Nadu,
By its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The District Collector &
the District Magistrate,
Mayiladuthurai District.
4. The Superintendent of Police,
Mayiladuthurai,
Mayiladuthurai District.
5. The Inspector of Police,
Perambur Police Station,
Kuthalam Taluk,
Mayiladuthurai District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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S.M.SUBRAMANIAM, J.
AND
N.MALA, J.

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